HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.7650 of 2006

Dt.18.4.2006

Between:

Gude Hari Babu … Petitioner

And

The Govt. of A.P., rep. By its Secretary,

Panchayat Raj and Rural Development,

Secretariat, Hyderabad and others

…Respondents

ORDER:

Petitioner questions the action of the respondents in sanctioning the compensation payment only for 73 days instead of 142 days out of 154 days claimed by the petitioner towards non-quarrying period in Reach No.13, Amaravathi and Dharanikota Villages ot Guntur District, vide proceedings Roc.No.3660/2003-G2(R-13), dt.8.2.2006 of the 3rd respondent as illegal and arbitrary and consequently direct

the respondents to pay compensation for the balance period of 59 days out of 154 days.

The case of the petitioner is that he was the lessee in respect of sand quarrying operations in Reach No.13 for the period from 28.1.2004 to 28.1.2005 on payment of Rs.1,53,90,000/-. The petitioner has been prevented from sand quarrying operations for certain days and therefore he was entitled for proportionate remission of the lease amount, but the same was not granted to him. It is stated that the petitioner was entitled for 95 days extension of the lease period, but the 3rd respondent has granted 30 days extension only by order dated 20.4.2005. Aggrieved by the same, the petitioner filed W.P.No.12775 of 2005 and the same was disposed of by this Court on 2.1.2006 directing the respondents to calculate number of days for which the petitioner disabled to quarry the sand quarry operations and then proceed to pass appropriate orders within 30 days from the date of receipt of the said order with regard to granting remission or compensation.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Panchayat Raj and Rural Development on behalf of the respondents.

The learned counsel for the petitioner submits that the petitioner has not availed the 30 days extension of lease in view of the impugned order dated 8.2.2006 passed by the 3rd respondent in pursuance of the orders of this Court in W.P.No.12775 of 2005, dt.2.1.2006 and the resolution No.1, dt.25.1.2006 passed by the District Level Sand Committee, Guntur, sanctioning remission of amount of Rs.30,77,800/- in respect of Reach No.13 of Amaravathi and Dharanikota towards compensation for non-quarrying period of 73 days as against the claim of 95 days. It is stated that the said order is bereft of any material particulars and the number of days during which the petitioner was prevented from sand quarrying operations. Therefore, the petitioner filed a representation before the District Level Committee and Chairman, Zilla Parishad, Guntur, 2nd

respondent herein on 1.3.2006 giving all the particulars of the number of days he was prevented to carry out the sand quarry operations, but the same has not been considered. The petitioner also filed another representation on 8.3.2006 to consider his earlier representation dated 1.3.2006, but the same has also not been considered and disposed of.

Having regard to the facts and circumstances of the case, I am not inclined to express any opinion with regard to the entitlement of the remission and the number of days for which the petitioner is entitled towards compensation during the period for which he was alleged to have been prevented from sand quarrying operations. As the said representations filed by the petitioner are pending before the District Level Committee and the impugned order was passed as per the resolution of the District Level Committee and as no details have been mentioned in the said order, the District Level Committee may consider and dispose of the said representations of the petitioner and pass a reasoned order within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

V.ESWARAIAH, J.

18.4.2006

kpr